UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

ACTION MEMORANDUM – RV1

DATE: SEP 19 2016

SUBJECT: Request for Authorization and $2 Million Exemption for the CERCLA Removal Action at the Beechnut Nutrition Corp. Site Canajoharie, Montgomery County, New York

FROM: Keith Glenn, On-Scene Coordinator
Removal Action Branch

TO: Judith A. Enck
Regional Administrator

THRU: Walter E. Mugdan, Director
Emergency and Remedial Response Division

Site ID No.: A26B

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action and $2 million exemption described herein for the Beechnut Nutrition Corp. Site (Site) located in Canajoharie, Montgomery County, New York. This is the first removal action to be taken by the U.S. Environmental Protection Agency (EPA) at the Site. The objective of this removal action is to minimize the threat posed to the public by friable asbestos present at the Site. This will be accomplished through encapsulation of asbestos where possible, removal of staged piles of asbestos-containing material (ACM) and demolition of partially collapsed walls present on the property. The total funding requested is $4,279,200, of which $3,500,000 is from the Regional Removal Advice of Allowance for mitigation contracting.

Conditions at the Site meet the criteria for a removal action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§9601-9675, and Section 300.415(b) of the National Contingency Plan (NCP), 40 C.F.R. §300.415(b).

Asbestos is the primary contaminant of concern making the proposed removal action qualify as nationally significant or precedent setting. In accordance with EPA policy, concurrence on this Action Memorandum has been received from the Director of EPA's Headquarters (HQ) Office of Emergency Management within the Office of Land and Emergency Management. Pursuant to EPA policy, the HQ Office of General Counsel and the HQ Office of Site Remediation Enforcement have been consulted on this proposed removal action.

II. SITE CONDITION AND BACKGROUND

The Site, located at 68-102 Church Street in the Village of Canajoharie, Montgomery County, New York, is the location of the historic Beechnut Nutrition Corp. manufacturing facility. The Site includes approximately 26.9 acres of developed land (refer to Attachment A for Site Location Maps) where manufacturing, storage and warehouse space covers approximately 657,000 square feet (ft^2). On December 1, 2015, the New York State Department of Environmental Conservation (NYSDEC) requested EPA to evaluate the Site for eligibility of a removal action. A Removal Site Evaluation (RSE) was conducted and documented the existence and release of friable asbestos to the environment, which remains present. The Superfund Enterprise Management System Identification Number for the Site is NYD066809203.

A. Site Description

1. RSE

On December 15, 2015, EPA visited the Site and performed an exterior survey from the surrounding streets. Although several windows were noticed to be broken or missing, the structures appeared to be structurally sound. All of the buildings had intact roofing and exterior walls. Although the structures located on the west side of the Site are showing age, none of the structures were observed to be collapsed or in threat of falling.

The remnants of demolition activities were observed in the eastern section of the Site, located near the entrance to the New York State Thruway. Numerous piles of debris were found to be staged along former building foundations and walls. Piles appeared to segregate roofing material, metal and masonry blocks.

On February 23, 2016, EPA and Removal Support Team (RST) contract personnel met with Village officials at the Site. An interior survey commenced through structures on the western portion of the Site where administrative offices, laboratories, engineering systems and production facilities are located. Interior rooms were in various states of deterioration due to broken windows and broken water lines. Pipes used to migrate rain water from the roof to sanitary lines located in the basement and underground passages had burst inside the buildings providing a pathway for water to migrate inside the structures. Significant growth of black mold was observed in nearly all office areas, in addition to vegetation growing in a conference room located on the second floor. Cold temperatures have caused drainage and supply lines to burst, allowing water intrusion to damage the interior of structures. However, the interior offices and most other spaces were observed to be void of clutter, furniture and equipment. The boiler rooms, as the exception, were found to contain massive heating units of various age. ACM previously sampled and discussed in a January 2012 pre-demolition survey was observed throughout the western portion of the Beechnut facility, including transite ceiling tiles, tank coatings, insulation, mastic, counter tops, and wall coating. It was observed that much of this material remains on-site and is in a friable state.

The eastern portion of the Site includes large, open warehouse structures, some of which were demolished, that are interconnected. Many are devoid of contents as auction signs and brochures suggest equipment was previously sold. Most of the electrical lines, cable lines, and piping were removed, suggesting salvage operations occurred.

An asbestos abatement project was observed to have been started in building #45/warehouse #4, and left unfinished. Red asbestos caution tape was located around the work area, where piping was observed to be partially removed from the ceiling. Sections of the pipe were wrapped or bagged and staged nearby, but never removed. In addition, five roll-off containers were observed in a loading area located between buildings #45 and #57. The roll-off containers appeared to be properly covered. An inspection of the contents found the items to be suspected ACM, which were wrapped in plastic. No placarding, warning signs or labels were observed on the exterior of the containers.

Further inspection of the eastern portion of the Site included the exterior location where demolition activities took place. Partial walls of former buildings were observed to be free standing while numerous piles of segregated roofing material, metal, and masonry block were observed. Approximately 16 piles were observed: one of scrap metal, four of roofing material, ten of masonry blocks coated with a white paint-like substance, and one of roofing materials mixed with masonry block. All piles were exposed to the elements without protection from adverse weather conditions. Two partial walls, which were formerly interior walls, became exposed to elements following the demolition activity (sample numbers, BULK19 and BULK28).

Perimeter fencing was found to be mostly intact surrounding the facility. However, several areas along the eastern boundary of the Site were found to have fencing cut and removed, providing access to the exterior piles, the warehouses, and passageways to the western structures. Doors in the loading areas located along Main Street were found to be unlocked and easily accessible as fencing does not restrict these locations. Many exterior doors in the eastern and western sections of the Site were found to be unlocked or partially open. Gates located along Church Street were devoid of locks.

On February 24, 2016, EPA collected samples within the western and eastern portions of the Site, including materials located in the exterior piles. A total of 14 samples were collected throughout the Site: two western interior, one eastern interior, and eleven eastern exterior. The two samples from the western section of the facility were taken from a ceiling tile in the administrative offices and pipe wrap located near the section known as the Retort Area. The sole interior eastern sample was taken from the pipe wrap associated with the partial asbestos abatement project in building #45/warehouse #4. While one exterior eastern sample was taken from the material located inside one of the roll-off containers situated between buildings #45 and #57, and the other ten samples were collected from the debris piles. Of these, nine were from roofing materials and one was from the pile of masonry blocks. All samples were analyzed for asbestos.

Results indicated that four samples contained asbestos. Sample BULK06, located in an exterior pile, was found to contain chrysotile asbestos at 1.32%. This location was the sole sample

collected of masonry block coated with a white paint-like material. Sample BULK11, pipe insulation associated with the abandoned abatement area, was found to contain 18.8% amosite and 6.25% chrysotile asbestos. Sample BULK12 was material collected from inside the roll-off containers of suspected ACM. Results indicated that this material contained 36.4% chrysotile asbestos. The pipe wrap collected from the Retort Area, BULK14, was found to contain 3.92% chrysotile asbestos.

To assess the masonry block material further, EPA revisited the Site on March 10, 2016, to collect additional samples for asbestos analysis. A total of 16 samples were collected from the masonry block piles and exterior walls (BULK19 and BULK28-30). Of these, twelve samples were collected from the piles of cinderblocks and included the coating, mortar, and masonry block. One sample was collected from a partially standing exterior wall of building #72 (BULK19). Three other samples were collected from the northernmost exterior walls (BULK28-30).

The laboratory separated each sample and analyzed the coating material independent of the mortar/cinderblock. All coating samples were found to contain asbestos in concentrations between 1.18% and 2.48% friable chrysotile. Asbestos was additionally found in the mortar or wall material of sample location BULK30. The asbestos contained in the walls and piles represent the most immediate threat to human health and the environment.

2. Physical location

The Site is located at 68-102 Church Street (42°54'23.95"N, 74°34'14.88"W) in the Village of Canajoharie, Montgomery County, New York, 13317-1139. The Site includes a 26.9-acre parcel of land that is almost entirely developed property. (Tax ID: 63.14-1-9.1). The Site is located in a mixed-use zoning area of Canajoharie and is bisected by the Canajoharie Creek. The Site is bounded to the north by the New York State Thruway, beyond which is a water treatment plant, a public park, and the Mohawk River. To the east is the entrance/exit to the New York State Thruway along with a gas station and convenience store. The southern boundary is marked by Main Street where several businesses and a recreational trail are located. The Site is bounded to the west by Church Street, the main thoroughfare of Downtown Canajoharie and the location of many restaurants, shops, and businesses. The Canajoharie Creek leads to the Mohawk River, located to the north of the New York State Thruway. The nearest residential properties are located along Front Street, approximately 150 feet south of the Site's southern boundary. According to the 2010 Census Data, approximately 309 people live within a quarter-mile radius of the Site, and approximately 1,369 people live within a half-mile radius of the Site.

The western portion of the Site consists of two to five-story interconnected structures originating from approximately 1891. These structures contain former offices; reception areas; design studios; cafeterias; laboratories; canning and labeling process areas; bulk storage; retort facilities; and boilers for heating the entire facility. Most of the furniture and process equipment were removed; however, all boilers remain in the basement and underground areas of the facility. Several above ground passageways traverse the Canajoharie Creek and were once used to move people, raw materials, and finished product.

The eastern portion of the Site contains newer structures. These large warehouses held equipment used for packaging, shipping, and distribution of finished products. The structures are empty as all equipment was removed. Three of the structures were demolished beginning in approximately December 2014, piles of construction and demolition debris with roofing materials and cinderblocks have been left behind.

In addition, subterranean basements and passageways carry piping, electrical lines, and equipment throughout the complex. A tall smokestack, once an iconic symbol of the Beechnut facility, has partially collapsed. The structures located on the eastern portion of the Site are one-story warehouses, and are homogenous in construction utilizing masonry block walls and steel supports.

3. Site characteristics

The Site dates back to the 1890s when the Imperial Packing Co. sold smoked ham and bacon. Beechnut Packing Company was incorporated in the late 1890s, and patented the first vacuum jar. With the success of canning operations, the company expanded the product line to include jam, peanut butter, candy, coffee, sauces, chewing gum, baby food, and many other products. As additional products were introduced, the facility continued to expand its operational footprint by constructing additional structures. In the mid-2000s Beechnut announced intentions to move its operations. The Town of Florida, New York offered special tax incentives, and all manufacturing, packaging, distribution, and corporate entities were relocated. Beechnut operations fully transitioned out of Canajoharie in 2011, leaving the facility vacant.

The Site was sold to TD Development, LLC in December 2013, who then sold it to TD Development, Inc. approximately one year later. The sole shareholder of TD Development, Inc. allegedly sold the company to 725 Bankstreet Development, Inc. in December of 2015.

In January 2014, interior parts of the facility were removed, while asbestos abatement was concurrently attempted resulting in the placement of ACM in two roll-off containers. Both the materials scrapping and abatement activities ceased in late 2014, due to regulatory compliance failures.

In January 2015, demolition activities recommenced on the eastern portion of the Site, starting with building #74. Demolition activities continued with buildings #72 and #73 in the spring of 2015. Cinderblocks, metal, and roofing debris from demolition activities were staged along the eastern portion of the Site, where they were left behind.

The removal action documented in this Action Memorandum will be the first CERCLA removal action undertaken at the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

Analytical data from samples collected at the Site has identified the presence of friable asbestos,

a CERCLA hazardous substance as defined in 42 U.S.C. § 9601(14), and is a listed hazardous substance in 40 CFR Table 302.4 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Table 302.4. The Site is a facility within the meaning of 42 U.S.C. § 9601(9), and the presence of asbestos in friable form in exterior piles of masonry block and the exterior walls articulated above constitute a "release" or threat of release within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

Substances Identified	Maximum Concentration	Statutory Source for Designation as a Hazardous Substance
Asbestos	36.4% Chrysotile	307(a) CWA, 112 CAA
Asbestos	18.8% Amosite	307(a) CWA, 112 CAA

Asbestos is designated as a CERCLA hazardous substance when friable. Friability is the ease with which a material can be crumbled, pulverized, or reduced to powder when dry, by applying hand pressure. Much of the asbestos is a crumbling coating on the concrete, and walls that are the subject of this Action Memorandum. The degree of friability of ACM determines the potential for fibers to be released into the air. Sampling and analysis conducted at the Site identified the presence of friable chrysotile asbestos at concentrations ranging from <1% to 36.4%, and amosite at concentrations ranging from <1% to 18.8%.

The asbestos identified in debris piles has been released to the environment through demolition activities and exposure to the elements, and the threat of future releases exists. The mechanisms allowing asbestos fibers to migrate to off-site locations include a lack of security, and lack of covering or other maintenance of the debris. Advanced stages of deterioration of the paint-like coating on the masonry blocks, along with continued exposure to weather, are other mechanisms contributing to the release and threat of release of asbestos into the environment and account for the potential exposure to nearby residential properties, public areas, and occupied commercial facilities. The debris piles and the walls subject to this Action Memorandum represent the asbestos with the most immediate need for removal.

5. National Priorities List (NPL) status

The Site is not on the NPL, nor is it expected to be listed on the NPL.

6. Maps, pictures, and other graphic representations

A Site location map is included as Attachment A. RSE sample location maps are included as Attachment B, and photographs are included as Attachment C.

B. Other Actions to Date

1. Previous actions

Numerous asbestos abatement, scrapping and recycling contractors appear to have been involved in the demolition activities that gave rise to the debris piles. A report dated May 18, 2014 prepared for the then Site owner, TD Development, LLC, indicates that 18 samples were

collected and analyzed for asbestos content in buildings #73 and #74, on the eastern side of the creek. Samples were also collected from roofing components including caulk, cement, and flashing material. Six of these samples revealed material containing between <0.25 and 22.2% chrysotile asbestos. Asbestos was detected in all media except built-up roofing material, which typically contains asphalt.

A report generated on February 6, 2015, by another environmental contractor indicates five additional samples were collected from building #73. Samples collected from exterior surfaces on the building foundation and paint within an interior bathroom indicated trace amounts, <0.25 %, of chrysotile asbestos present in the exterior surfacing material. Asbestos was not detected in the paint located in the bathroom.

Additional reports were generated of other buildings located on the east side of the Site, which indicated the presence of ACM in pipe wrap, ceiling tiles, floor tiles, pipe elbows, and window glaze. An extensive pre-demolition survey was completed by Ambient Environmental, Inc. on January 11, 2012 of the structures located to the west of Canajoharie Creek. This report highlighted asbestos found in ceiling tiles, vapor barrier mastic, joint compound, paint, wall coating, window glazing, mortar, insulation, and other various materials.

No previous activities relevant to this removal action were performed by other government officials. The New York State Department of Labor (NYSDOL) will review asbestos abatement plans and assist in determinations as to disposal of ACM.

2. Current actions

There are no current ongoing actions associated with the Site.

C. State and Local Authorities' role

1. State and local actions to date

Village officials, including the Police Department, Fire Department, Department of Public Works, Code Enforcement, and the Mayor's Office visited and surveyed the Site numerous times to document the staged piles of debris, and reached out to current and previous property owners in attempts to address the debris and asbestos. In addition, local officials cited the owners and at least one demolition contractor regarding demolition activities without a permit. Local officials issued citations in attempts to force the demolition contractor to redress the issues created by demolition (i.e. the debris piles), but the non-compliance was not cured. On December 1, 2015 NYSDEC requested EPA to evaluate the Site for a removal action.

2. Potential for continued State/local response

There are no actions planned or being taken by any State or local government agencies to address the release and/or threat of release of hazardous substances which are the subject of EPA's removal activities. Currently, the Village of Canajoharie and Montgomery County are conducting investigations regarding contamination at the Site, and planning additional

demolition activities. It does not appear that either entity has sufficient resources to address the debris piles, roll-offs, or walls of concern in this Action Memorandum. Discussions with NYSDEC have indicated funding sources are not available to support the actions necessary to address the conditions at the Site

III. THREAT TO PUBLIC HEALTH, OR WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Asbestos is a hazardous substance as defined by 42 U.S.C. § 9601(14), and is listed in Table 302.4 of the NCP.

Breathing high concentrations of asbestos fibers over a long period of time may result in scar-like tissue developing in the lungs and the lining of the pleural cavity that surrounds the lungs, a disease known as Asbestosis. Asbestosis is usually found in workers exposed to asbestos, but not the general public.

Breathing lower levels of asbestos may result in changes to the pleural membrane by introducing blebs (small blisters), or plaques. Pleural plaques can occur in those working with asbestos products and in people living near areas with elevated levels of asbestos in the environment. Effects on breathing due to the presence of pleural plaques alone are not usually serious; however, prolonged exposure can lead to thickening of the pleural membrane, which may restrict breathing. EPA has identified conditions at the Site that meet the requirements of Section 300.415(b) of the NCP (40 CFR Section 300.415), which indicate that a removal action is warranted. Site conditions that provide a basis for a removal action under Section 300.415 (b)(2) of the NCP include:

(1) **Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants, or contaminants [300.415(b)(2)(i)];**

There is an actual or potential exposure to human populations from a hazardous substance at the Site. Sample results indicate the presence of friable asbestos in ACM at numerous locations throughout the facility. Although material located inside the structures does not present the most immediate exposure to human populations or the environment, the asbestos in the coating on the masonry blocks in the debris piles staged outside is ACM, and the debris has been observed blowing onto the New York State Thruway creating a risk of exposure. The blocks were once walls and foundations of warehouses that have been demolished. The masonry blocks were pushed, pulled, broken, and moved during the demolition activities in order to place them into piles. The demolition contractor was cited for the material that blew onto the New York State Thruway.

Demolition activities have resulted in exposure and weathering of ACM. Exposed to the environment, the coating material is rapidly degrading. Any disturbance of this material, such as moving, natural decay, and wind events, may cause asbestos fibers to be released to the air. Exposure to asbestos found at the Site can occur through inhalation, once fibers become airborne.

(2) **Weather conditions that may cause hazardous substances, or pollutants to migrate or to be released [300.415(b)(2)(vi)];**

Sample results indicate the presence of ACM in the exterior eastern section of the Site, which is subject to weathering. Masonry blocks coated with ACM are exposed to weather events, as well as heat and cold during summer and winter. Exposure to the elements may cause the coating material to degrade, crack, flake, and separate from the masonry block. Weathering causes the matrix which binds the fibers together to be broken down, releasing the fibers to the environment. Once in the environment, the mineral fibers persist and do not readily break down further. Wind traveling across the Site may cause asbestos fibers to become entrained in the air, increasing the likelihood of being carried downwind. In addition, rain and snow events may cause ACM to be transported to sewer systems, the Canajoharie Creek, the Mohawk River, Downtown Canajoharie, or areas near the Site, including residential areas.

(3) The availability of other appropriate federal or State response mechanisms to respond to the release [300.415(b)(2)(vii)];

No other federal or state response mechanism is available to respond in a timely manner to the significant threat presented by the Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site may present an imminent and substantial endangerment to public health or welfare or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

A. Emergency Exemption

1. There is an immediate risk to public health, or welfare, or the environment;

The presence of friable asbestos in the debris piles and along the exterior walls poses an immediate risk to public health, welfare, or the environment. Approximately 10,000 tons of ACM-coated masonry block is located in uncovered piles on the eastern portion of the Site. In addition, exterior wall coating on the still-standing structures contains ACM and shows visible signs of being exposed to weathering. Exposure to rain, snow, and sunlight breaks down the stability of the matrix which will result in the asbestos fibers becoming entrained in wind currents and migrating from the piles to adjacent exterior areas. The nearest residential property is located across Main and Front Streets approximately 200 feet to the south. The surrounding area experiences foot traffic as local downtown businesses are located approximately 75 feet west of the Site along Church Street, in addition to a public library. Moreover, a public walking path exists in the area surrounding the Site.

2. Continued response actions are immediately required to prevent, limit, or mitigate an emergency; and

Friable asbestos is present in uncovered debris piles and deteriorating exterior walls of structures located on-Site, all of which are exposed to weathering. These conditions have resulted in the

release of asbestos and could result in the further release of asbestos fibers from the debris piles and walls to the environment. There is an immediate need to act because debris has already drifted onto the New York Thruway. Without implementing the response action proposed in this Action Memorandum, asbestos fibers may be further released and migrate as ACM continues to deteriorate thus exposing the surrounding area to ACM.

3. **Assistance will not otherwise be provided on a timely basis.**

No other government or potentially responsible party (PRP) can provide assistance to mitigate the public health threats posed by the Site on a timely basis.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The purpose of this removal action is to eliminate the release or threat of release of asbestos that could impact the public through direct contact. In order to mitigate the threat posed by the Site, EPA plans to perform asbestos abatement, encapsulation, demolition, and disposal of the ACM that is the subject of this Action Memorandum located on the eastern portion of the Site.

The removal action will include:

- Establishing containment barriers to the extent practicable to limit the migration of asbestos from the Site property;
- Bulk removal of asbestos debris piles;
- Spraying and containing of friable asbestos coating located along the exterior walls which are the subject of this removal action;
- Demolition and disposal of partial walls as necessary;
- Segregation and decontamination of scrap metal for recycling;
- Removal of staged ACM located in roll-off containers inside the warehouse;
- Return of roll-off containers to appropriate owners;
- Provision of necessary air monitoring;
- Off-site disposal of any additional hazardous substances identified during the course of the removal action;
- To the extent necessary, following the removal of asbestos and asbestos contaminated debris, closure of any remaining buildings to prevent access;
- Off-site disposal of hazardous waste and/or substances in compliance with the EPA Off-Site Rule, 40 CFR § 300.440;
- Provision of appropriate notifications to local, state and federal agencies;
- Performance of all actions through appropriate personnel that meet all local, State and Federal requirements for working in a contaminated environment; and
- Documentation of all findings, actions taken, and any contaminated material left in place.

2. Contribution to remedial performance

The response measures documented in this Action Memorandum will address the threat of exposure from asbestos in the debris piles, the roll-offs, and the wall coatings. The action is consistent with the requirement of Section 104(a)(2) of CERCLA, which states, "any removal action undertaken . . . should . . . to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or the threatened release concerned." The planned removal action would be consistent with any future remedial action. Currently there are no long-term remedial actions planned for the Site.

3. Applicable or Relevant and Appropriate Requirements (ARARs)

ARARs within the scope of this project include the Clean Air Act (CAA) and National Emissions Standards for Hazardous Air Pollutants (NESHAP). The CAA and NESHAP requirements will be met to the extent practicable. Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (12 NYCRR Part 56), also known as Rule 56 Asbestos, will be met to the extent practicable.

4. Project Schedule

Field activities can be initiated within three weeks following the approval of this Action Memorandum. The project is expected to take approximately six months to complete.

Estimated Costs

The estimated costs for the completion of this project are summarized below. A confidential independent government cost estimate is included as Attachment D.

Direct Extramural Costs	Funding Requested in this Action Memorandum
Regional Allowance Costs (Total clean-up contractor including labor, equipment, materials, 20% contingency)	$3,500,000
Total RST 3 Costs	$66,000
Subtotal, Extramural Costs	$3,566,000
Extramural Contingency 20%	$713,200
Total Direct Extramural Costs	$4,279,200

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the proposed actions described in this memorandum are not implemented, the immediate threats posed to human health and the environment by the asbestos present in the debris piles, roll-offs, and wall covering at the Site will persist. If the proposed actions are not taken, as the friable ACM, exposed to the elements, will continue to deteriorate and asbestos will continue to weather, releasing or posing a threat of release of asbestos fibers into the environment.

VIII. OUTSTANDING POLICY ISSUES

The removal involves nationally significant and precedent-setting issues because it involves the release of asbestos. Pursuant to EPA policy R-14-2, the OEM Director has concurred on the Action Memorandum. The Region has also consulted and received concurrence from HQ OGC and HQ OSRE on the Action Memorandum due to an initial request for funding greater than $2 million.

IX. ENFORCEMENT

EPA has sent letters to three companies requesting information pursuant to CERCLA Section 104(e) and notifying them of their potential liability with respect to the Site. The current Site owner, TD Development, Inc., has not responded. TD Development, LLC who is believed to have owned the Site at a time of asbestos disposal and B & B Recycling, LLC, a company involved in building demolition at the Site, both declined to address Site conditions. EPA's potentially responsible party (PRP) search is ongoing and includes seeking further information about parties' liability and financial wherewithal.

ENFORCEMENT COST ESTIMATE

The total cost for this removal action, based on full-cost accounting practices that will be eligible for cost recovery, is estimated to be $6,459,166 and was calculated as follows:

COST CATEGORY	AMOUNT
Direct Extramural Cost	$4,279,200
Direct Intramural Cost	$50,000
Subtotal Direct Costs	$4,329,200
Indirect Costs (Indirect Regional Cost Rate 49.20%)	$2,129,966
Estimated EPA Costs Eligible for Cost Recovery	$6,459,166

Note: Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the current full cost accounting methodology. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the Beechnut Nutrition Corp. Site located in the Village of Canajoharie, Montgomery County, New York. This document has been developed in accordance with CERCLA and is not inconsistent with the NCP. This decision is based on the administrative record for the decision.

Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal action and the Section 104(c) emergency exemption.. The total project ceiling requested is $4,279,200, of which $3,500,000 is for mitigation contracting. There are sufficient funds available in the FY-16 Advice of Allowance to initiate this response action. The balance of funds necessary to complete

the response action will be available in our FY-17 Advice of Allowance. The schedule for Site activities will not be impeded by these funding limitations.

Please indicate your approval of the funding request and the $2 million exemption for the removal action at the Beechnut Nutrition Corp. Site, as per current Delegation of Authority, by signing below.

Approved: Judith A. Enck **Date:** 9/21/16
Judith A Enck
Regional Administrator

Disapproved: _____ **Date:** _____
Judith A Enck
Regional Administrator

cc: (upon approval)
C. McCabe, DRA
W. Mugdan, ERRD-D
J. Prince, ERRD-DD
J. Rotola, ERRD-RAB
E. Wilson, ERRD-RAB
B. Grealish, ERRD-RAB
T. Lieber, ORC-NYCSFB
W. Sainsbury, ORC-NYCSFB
M. Mears, PAD
T. Grier, 5104A
K. Giacobbe, OPM-GCMB
P. McKechnie, OIG
R. Craig, RST
D. Farrar, NYSDEC
A. English, NYSDEC
A. Raddant, USDOI
L. Carrock, NYSDOL
L. Rosman, NOAA

ACTION MEMORANDUM FOR THE
BEECHNUT NUTRITION CORP. SITE
CANAJOHARIE, NY
SITE ID# A26B

ATTACHMENT A

Site Location Maps

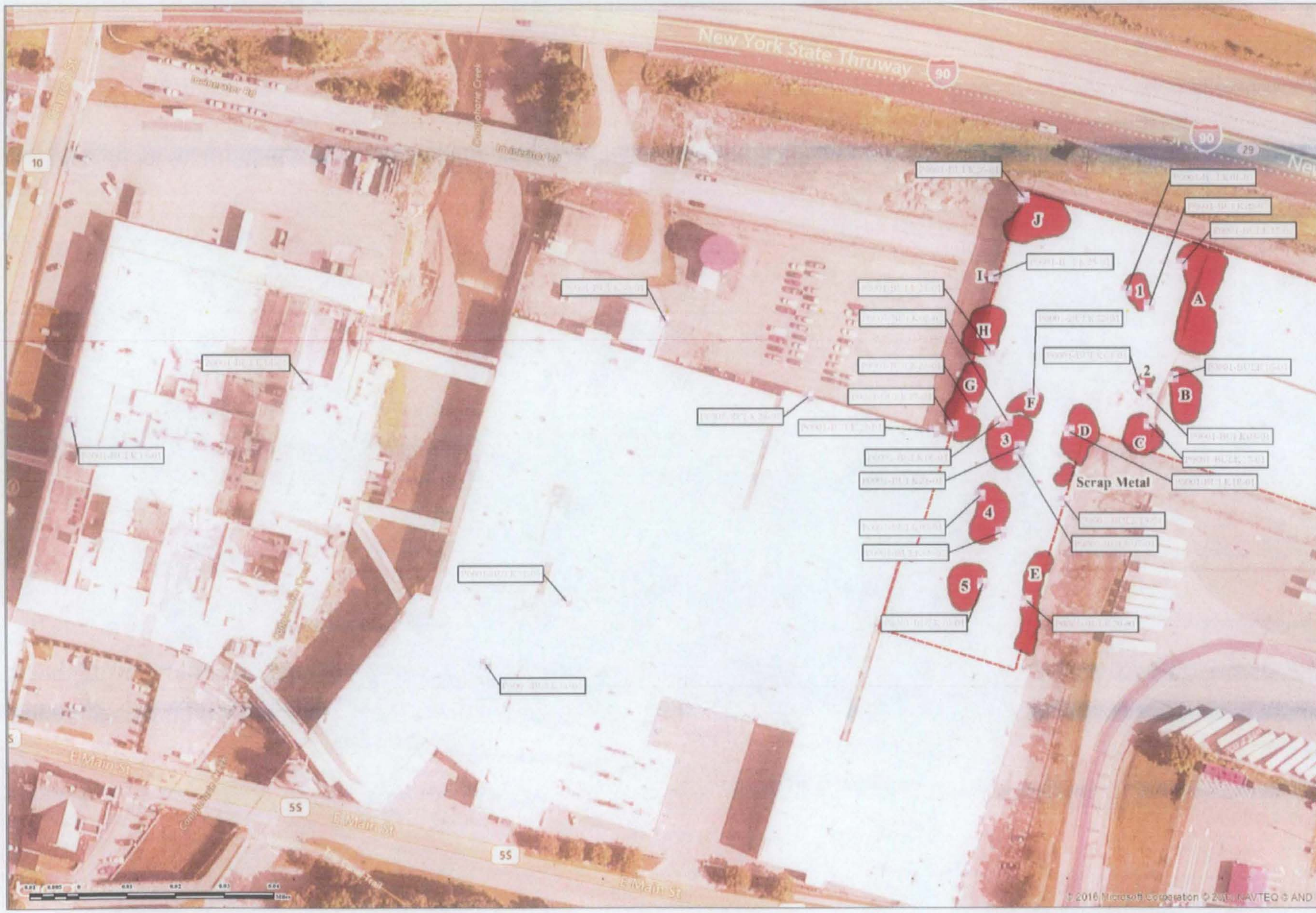
Beechnut Nutrition Site
Canajoharie, NY

EPA US EPA Region 2
Map Created 07/22/2016

ACTION MEMORANDUM FOR THE
BEECHNUT NUTRITION CORP. SITE
CANAJOHARIE, NY
SITE ID# A26B

ATTACHMENT B

Sample Maps and Data Summary Tables



SCALE

1:1,200

LEGEND

February/March 2016 Bulk PACM Sample Location

On-Site Waste Pile

Demolished Section of Building

Notes:
1.) Bulk PACM samples collected in February and March 2016.
2.) Waste pile nomenclature developed by the EPA OSC.

Figure 2: Bulk PACM Sample Location Map

Beechnut Nutrition Site
Canajoharie, New York

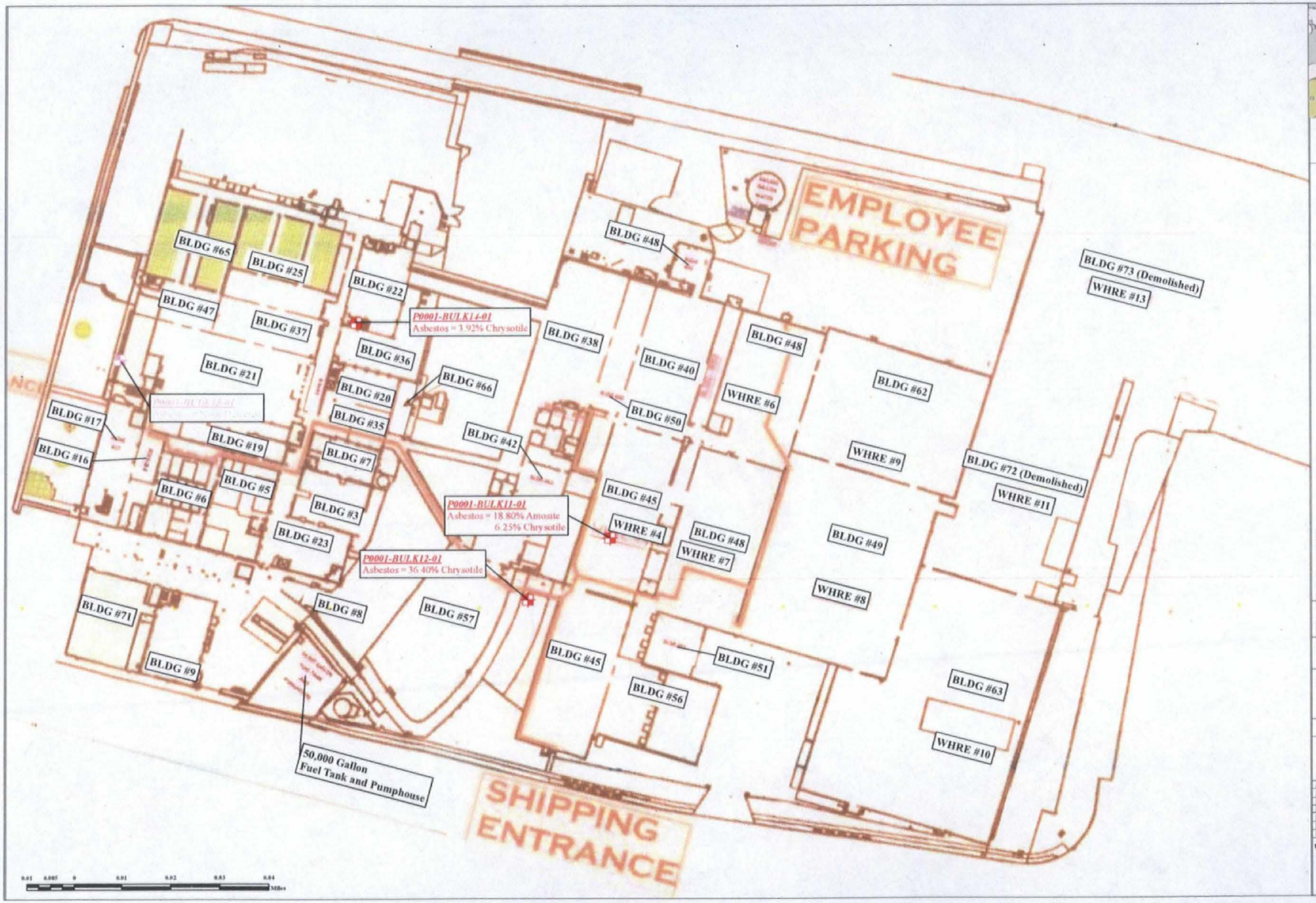
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REMOVAL SUPPORT TEAM 3
CONTRACT # EP-S2-14-01

Weston Solutions, Inc.

In Association With Scientific and Environmental Associates, Inc., Environmental Compliance Consultants, Inc., Avatar Environmental, LLC, On-Site Environmental, Inc., and Sovereign Consulting, Inc.

GIS ANALYST	T. BENTON
EPA OSC	K. GLENN
RST 3 SPM	J. BUNDENS
FILENAME	160318_SampleLocationMap.mxd
FIGURE	2
REVISION	0
DATE MODIFIED	3/17/2016

WESTON SOLUTIONS



SCALE

1:1,200

LEGEND

Bulk PACM Sample Location

No PACM Detected

PACM Detected

Notes:

1.) Floorplan was provided by the EPA OSC which was georeferenced for the purposes of the creation of this map.

2.) Bulk PACM samples collected in February and March 2016.

3.) All results presented in percent (%).

Figure 3: Interior Bulk PACM Analytical Results Map

Beechnut Nutrition Site
Canajoharie, New York

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REMOVAL SUPPORT TEAM 3
CONTRACT # EP-S2-14-01

Weston Solutions, Inc.

In Association With Scientific and Environmental Associates, Inc., Environmental Compliance Consultants, Inc., Avatar Environmental, LLC, On-Site Environmental, Inc., and Sovereign Consulting, Inc.

GIS ANALYST	T. BRINTON
EPA OSC	K. GLENN
RST 3 SPM	T. BUNDENS
FILENAME	160216_InteriorAnalyticalMap.mxd
FIGURE	3
REVISION	0
DATE MODIFIED	3/17/2016

WESTON SOLUTIONS

SCALE

1:770

LEGEND

Bulk PACM Sample Location

No PACM Detected

PACM Detected

On-Site Waste Pile

Demolished Section of Building

Existing Wall

Notes:
1.) Bulk PACM samples collected in February and March 2016.
2.) "*" Represents a bulk PACM sample which contained two layers with the skim layer containing asbestos and the rough layer being non-detect for asbestos. Skim layer values are provided in the call out boxes.
3.) "**" Represents a bulk PACM sample which contained two layers (skim and rough) with asbestos present in each layer.
4.) All results presented in percent (%).
5.) Waste pile nomenclature developed by the EPA OSC

Figure 4: Exterior Bulk PACM Analytical Results Map

Beechnut Nutrition Site
Canajoharie, New York

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REMOVAL SUPPORT TEAM 3
CONTRACT # EP-S2-14-01

Weston Solutions, Inc.

In Association With Scientific and Environmental Associates, Inc., Environmental Compliance Consultants, Inc., Avatar Environmental, LLC, On-Site Environmental, Inc., and Sovereign Consulting, Inc.

GIS ANALYST	T. BENTON
EPA OSC	K. GLENN
RST 3 SPM	I. SUNDERS
FILENAME	160316_ExteriorAnalyticalMap.mxd
FIGURE	4
REVISION	0
DATE MODIFIED	3/17/2016

WESTON SOLUTIONS

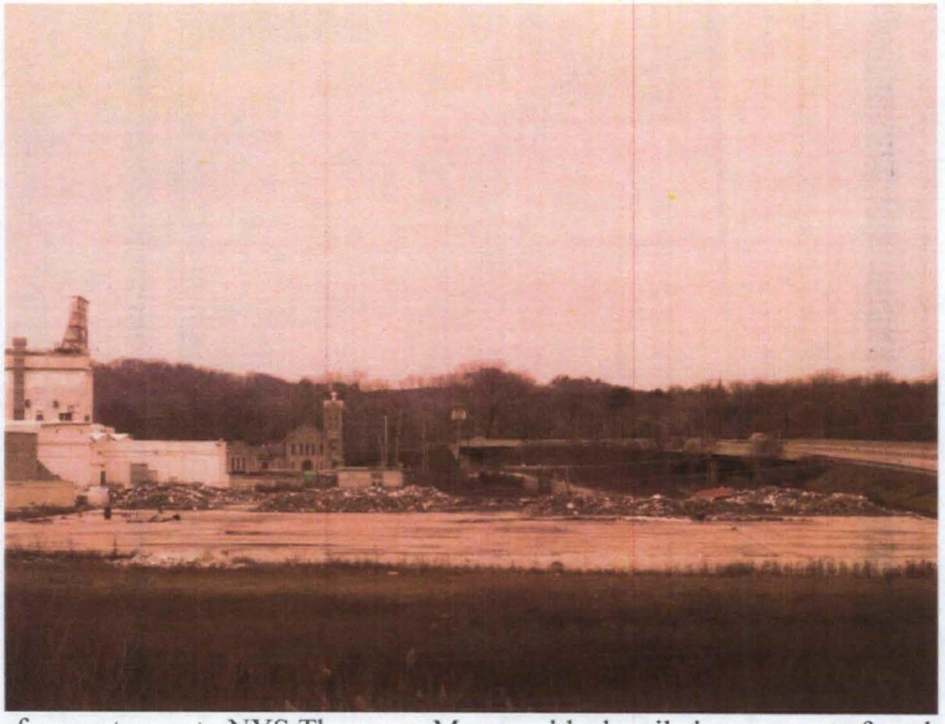
Table 1: Bulk Sample Collection Information and Preliminary Results Summary
Beechnut Nutrition Site - Removal Assessment
Feburary 24, 2016 and March 10, 2016

RST Sample No.	Longitude	Latitude	Date	Time Collected	Result (%)	ACM Type	Location Description	Material Description
P0001-BULK01-01	42.90732465	-74.56696143	2/24/2016	8:56	ND		Pile 1	Fabric
P0001-BULK02-01	42.90728206	-74.56686658	2/24/2016	9:03	ND		Pile 1	Roof tile (surface layer)
P0001-BULK03-01	42.90701462	-74.56687674	2/24/2016	9:10	ND		Pile 2	Fiberboard
P0001-BULK04-01	42.90704211	-74.56690743	2/24/2016	9:15	ND		Pile 2	Roof tile (under layer)
P0001-BULK05-01	42.90693441	-74.56744651	2/24/2016	9:21	ND		Pile 3	Fabric
P0001-BULK06-01	42.90693003	-74.56747619	2/24/2016	9:25	**1.32 %**	Chrysotile	Pile 3	Inseparable paint/coating layer
P0001-BULK07-01	42.90683074	-74.56740029	2/24/2016	9:30	ND		Pile 3	Roof tile (under layer)
P0001-BULK08-01	42.90659599	-74.56747226	2/24/2016	9:38	ND		Pile 4	Fiberboard
P0001-BULK09-01	42.90670795	-74.56755688	2/24/2016	9:42	ND		Pile 4	Fiberboard
P0001-BULK10-01	42.90644114	-74.56754748	2/24/2016	9:48	ND		Pile 5	Roof tile (surface and under layer)
P0001-BULK11-01	42.906388	-74.569243	2/24/2016	10:30	**25.05 %**	18.80% Amosite 6.25% Chrysotile	Building #45	Pipe Insulation
P0001-BULK12-01	42.906199	-74.569579	2/24/2016	10:45	**36.4 %**	Chrysotile	South Loading Dock / Roll-off RT5153	Pipe Insulation
P0001-BULK13-01	42.906931	-74.571252	2/24/2016	11:15	ND		Building #21	Ceiling Tile
P0001-BULK14-01	42.907043	-74.570295	2/24/2016	11:35	**3.92 %**	Chrysotile	Building #22	Inseparable paint/coating layer
P0001-BULK15-01	42.90740654	-74.56673195	3/10/2016	13:10	**1.49 %**	Chrysotile	Pile A	Skim layer
					ND			Rough layer
P0001-BULK16-01	42.907066	-74.56676955	3/10/2016	13:35	**1.53 %**	Chrysotile	Pile B	Skim layer
					ND			Rough layer
P0001-BULK17-01	42.9069245	-74.56686715	3/10/2016	13:45	**1.5 %**	Chrysotile	Pile C	Skim layer
					ND			Rough layer
P0001-BULK18-01	42.90690329	-74.5671929	3/10/2016	14:00	**1.19 %**	Chrysotile	Pile D	Inseparable paint/coating layer
P0001-BULK19-01	42.9066909	-74.56721373	3/10/2016	14:05	**1.43 %**	Chrysotile	Wall A	Skim layer
					ND			Rough layer
P0001-BULK20-01	42.90638898	-74.56736838	3/10/2016	14:10	**1.75 %**	Chrysotile	Pile E	Skim layer
					ND			Grey rough Layer
					ND			Black rough layer
P0001-BULK21-01	42.90685484	-74.56739498	3/10/2016	14:20	**1.2 %**	Chrysotile	Pile 3	Inseparable paint/coating layer
P0001-BULK22-01	42.90701309	-74.56733797	3/10/2016	14:30	**1.61 %**	Chrysotile	Pile F	Skim layer
					ND			Rough layer
P0001-BULK23-01	42.9069715	-74.56759186	3/10/2016	14:40	**2.48 %**	Chrysotile	Pile G	Skim layer
					ND			Rough layer
P0001-BULK24-01	42.90714622	-74.56751503	3/10/2016	14:46	**1.18 %**	Chrysotile	Pile H	Skim layer
					ND			Rough layer
P0001-BULK25-01	42.9073695	-74.56749925	3/10/2016	15:00	**1.48 %**	Chrysotile	Pile I	Skim layer
					ND			Rough layer
P0001-BULK26-01	42.90760767	-74.56737421	3/10/2016	15:02	**1.75 %**	Chrysotile	Pile J	Skim layer
					ND			Rough layer
P0001-BULK27-01	42.90691807	-74.567667	3/10/2016	15:05	**1.18 %**	Chrysotile	Wall B	Skim layer
					ND			Rough layer
P0001-BULK28-01	42.9069011	-74.56774479	3/10/2016	15:10	**1.19 %**	Chrysotile	Wall C	Skim layer
					ND			Rough layer
P0001-BULK29-01	42.9070051	-74.56825602	3/10/2016	15:15	**1.83 %**	Chrysotile	Wall C	Heterogeneouse wall material
P0001-BULK30-01	42.90723289	-74.56883803	3/10/2016	15:20	**1.25 %**	Chrysotile	Wall D	Skim layer
					1.25 %			Rough layer

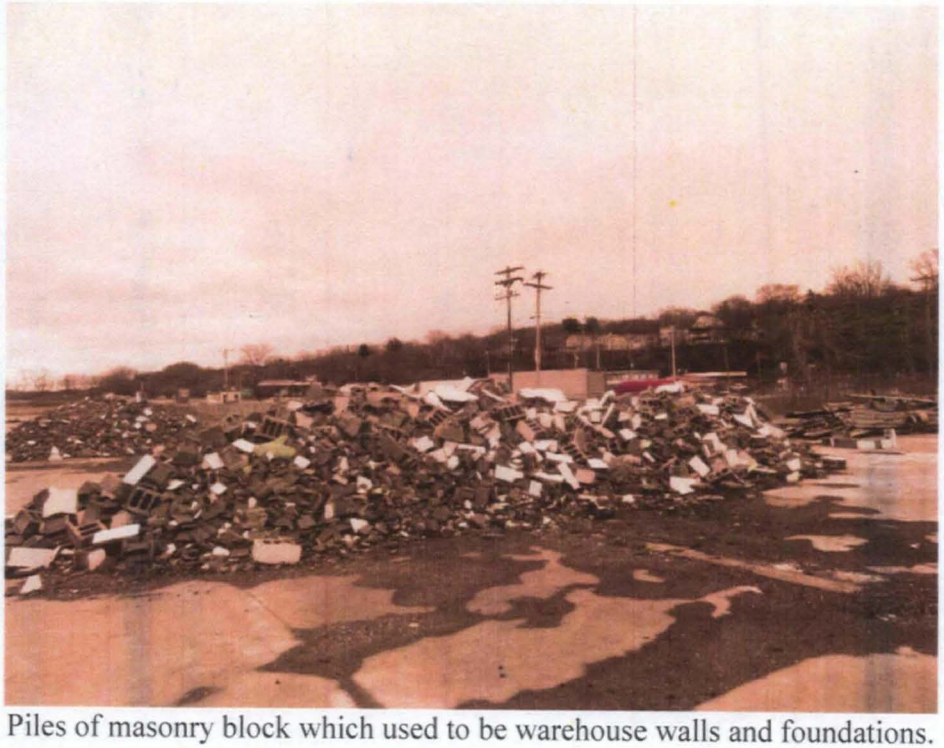
Notes:
ND = non-detect
ACM = asbestos-containing material
% = percent
Skim layer refers to the white coating material on the surface of the sample material.
Rough layer refers the under layer material of the same sample.

ATTACHMENT C

Site Photographs



View from entrance to NYS Thruway. Masonry blocks piled on concrete foundation.



Piles of masonry block which used to be warehouse walls and foundations.

Profile view of coating on the masonry block.

Approximately 11 piles, of various sizes, of masonry block are located in the Eastern portion of the Site.

Piles are located near highway exit/entry ramps and exposed to weathering.

Some piles are comingled with other debris, such as roofing material.

Coating on exterior walls, found to contain ACM, is coming apart.

All along the bottom of the exterior walls, the coating is pealing, cracking and coming off.